

## Message Text

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PAGE 01 NICOSI 00402 110536Z  
ACTION SS-25

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R 101700Z FEB 77  
FM AMEMBASSY NICOSIA  
TO SECSTATE WASHDC 5290

S E C R E T NICOSIA 0402

EXDIS

E.O. 11652: XGDS  
TAGS: PFTR,SY, CY, US  
SUBJECT: DAVIES CASE

1. FOLLOWING ARE THE MORE SIGNIFICANT DEVELOPMENTS  
IN THE DAVIES CASE SINCE THE INDICTMENTS OF THE SIX  
ACCUSED ON FEB. 5, 1977.

A. ON SUNDAY, FEB. 6, A PHOTOGRAPH APPEARED IN THE ATHENS  
PAPER ACROPOLIS SHOWING KTIMATIAS BEING RESTRAINED BY  
CYPOL INSPECTOR IERIDES FROM FURTHER FIRING AT AMBASSADOR  
DAVIES' OFFICE WINDOW. THREE CYPRUS PAPERS COPIED THE  
PHOTOGRAPH FOR THEIR LEAD STORIES ON FEB. 7. PHERSON HAS  
REVIEWED ALL THE PHOTOGRAPHS HE FURNISHED TO CYPOL. THIS  
PARTICULAR PHOTOGRAPH WAS NOT ONE OF THEM. HE ASKED CYPOL  
ASST. CMDR. DEMETRIOU FOR HIS VIEWS ON HOW THE PHOTOGRAPH  
GOT TO ATHENS. DEMETRIOU HAD NO KNOWLEDGE OF THE LEAK, BUT  
EXPRESSED HIS CONCERN THAT PUBLICITY ORIGINATING FROM  
THE PHOTOGRAPH MIGHT BE CONSTRUED BY THE CYPRUS JUDICIARY AS  
PREJUDICIAL TO THE SIX ACCUSED. (COMMENT: I CLEARLY RECALL  
THE SPECIFIC PHOTOGRAPH. IN THE FALL OF 1974 THE  
RSO OBTAINED IT FROM SY. I GAVE IT TO ACTING PRESIDENT  
CLERIDES, UNDERSTANDING THAT IT WOULD BE PASSED ALONG  
TO CYPOL. IT IS A MYSTERY TO US, AND APPARENTLY TO  
CYPOL AS WELL, HOW THE PHOTOGRAPH GOT TO ATHENS. DEMETRIOU

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TOLD PHERSON HE ASSUMES IT WAS INCLUDED IN THE  
ORIGINAL DAVIES INVESTIGATION FILE WHICH DISAPPEARED  
IN LATE 1975. END COMMENT)

B. SOTIRIOU CALLED PHERSON AT 1430 HOURS ON FEB. 8  
AND REQUESTED A MEETING, AT 1600 HOURS. AT THE MEETING SOTIRIOU  
SAID HE HAD MET WITH DEMETRIOU THAT MORNING AND DEMETRIOU HAD

COMPLIMENTED HIM FOR CLARIFYING HIS EARLIER STATEMENT TO REFLECT THAT HE HAD SEEN KTIMATIAS, LEFTIS AND SAVVA IN THE THIRD-FLOOR WINDOW WELL OR BELOW. FURTHER, SOTIRIOUR SHOULD BE EXPECTED TO TESTIFY DURING THE WEEK OF FEB. 13-19.

PERSON MET WITH DEMETRIOU AT 1700 HOURS ON FEB. 8. DEMETRIOU DENIED HAVING SEEN SOTIRIOU THAT MORNING

,  
ADDING HE HAD NOT SEEN SOTIRIOU FOR WEEKS. DEMETRIOU SUGGESTED THAT THE INCIDENT WAS JUST ANOTHER INDICATION OF SOTIRIOU'S QUESTIONABLE CREDIBILITY. (COMMENT: WE FIND THIS INCIDENT PUZZLING. WE ARE CONSIDERING THE POSSIBLE REASONS FOR THIS ERRATIC ACTION ON SOTIRIOU'S PART. FORTUNATELY, CYPOL STILL BELIEVES IT HAS A STRONG CASE AGAINST THE ACCUSED, EVEN AFTER TAKING INTO CONSIDERATION SOTIRIOU'S AMBIVALENT TESTIMONY. END COMMENT)

C. WHEN PERSON MET WITH DEMETRIOU ON SATURDAY MORNING, FEB. 5, JUST PRIOR TO DEMETRIOU'S PRESENTING THE CASE AGAINST THE SIX ACCUSED TO THE NICOSIA DISTRICT COURT, HE REQUESTED A COPY OF THE FIREARMS ACT OF 1974, ON WHICH A NUMBER OF THE SECONDARY COUNTS WERE BASED. DURING THE COURSE OF THIS MEETING, CYPOL STAFF NOTICED FOR THE FIRST TIME THAT THE EFFECTIVE DATE OF THIS LEGISLATION WAS AUGUST 30, 1974. THE MURDERS TOOK PLACE ON AUGUST 19, 1974. WHEN PERSON MET AGAIN WITH DEMETRIOU ON FEB. 7 DEMETRIOU ACKNOWLEDGED THAT CYPOL WAS REDRAFTING THE SECONDARY CHARGES TO BASE THEM ON THE 1959 CRIMINAL  
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CODE. IT APPEARS THAT UNDER THE 1974 LAW THE PENALTY FOR ILLEGALLY POSSESSING AND FIRING A WEAPON IS 15 YEARS; UNDER THE 1959 LAW, FIVE YEARS. (COMMENT: THIS MATTER IS CLEARLY AN EMBARRASSMENT FOR BOTH CYPOS AND THE A/G. ALTHOUGH INDICATIVE OF A SOMEWHAT SLIPSHOD PREPARATION OF THE CASE, WE BELIEVE NO SIGNIFICANT DAMAGE HAS RESULTED. THE NEW CHARGES WILL BE PRESENTED AT THE SECOND REMAND HEARING ON FEB. 14. END COMMENT.)

D. PERSON ASKED DEMETRIOU WHY THE CHARGES AGAINST NICOS DIMITRIADES AND VASILIS PROESTOS WERE DROPPED. (DEMITRAIDES HAD FURNISHED CYPOL A SIGNED STATEMENT ADMITTING HE HAD FIRED A PISTOL AT THE EMBASSY.) DEMETRIOU WOULD ONLY SAY THAT THE A/G HAD DISMISSED THE CHARGE AGAINST DIMITRIADES AND THE CHARGE AGAINST PROESTOS HAD NOT BEEN DROPPED, JUST POSTPONED. WE HAVE OBTAINED A COPY OF THE A/G INSTRUCTION TO CYPOL. IT READS: "THE EVIDENCE DOES NOT JUSTIFY ANY CHARGES AGAINST ACCUSED NO. 5 (DIMITRIADES). ACCUSED NO. 6

(PROESTOS) CANNOT BE CHARGED AT PRESENT AS HE IS ABSENT ABROAD". PHERSON MENTIONED THE DEMITRIADES MATTER, IN GENERAL TERMS, TOKYPROS MOUROUZIDES, D/CIS, ON FEB. 9. MOUROUZIDES WAS UNAWARE OF THE SPECIFIC SITUATION BUT EXPLAINED THAT UNDER CYPRUS LAW AN ADMISSION GIVEN TO CYPOL WITHOUT CORROBORATING INVESTIGATIVE INFORMATION, FALLS WITHIN THE DISCRETION OF THE A/G AS TO WHETHER CHARGES ARE JUSTIFIED. (COMMENT: THE DAVIES INVESTIGATION FILE INDICATES DEMITRIADES' ADMISSION THAT HE HAD FIRED AT THE EMBASSY STOOD ALONE. THERE IS NO CORROBORATING INFORMATION. END COMMENT)

2. WE WILL CONTINUE TO MONITOR CLOSELY THE LOCAL PRESS COVERAGE ON THE DAVIES CASE. SO FAR, EXCEPT FOR THE KTIMATIAS/IERIDES PHOTOGRAPHS, THERE HAVE BEEN NO SIGNIFICANT SURPRISES OR CAUSES FOR CONCERN.

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## Message Attributes

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